

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.: 1:22-cv-21004-MD

**JESSICA GUASTO,**

Plaintiff,

vs.

**THE CITY OF MIAMI BEACH, FL,**  
a Florida municipality,

Defendant.

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**DEFENDANT’S EXPEDITED MOTION TO EXCEED THE PAGE  
LIMITATIONS FOR ITS MOTION FOR SUMMARY  
JUDGMENT AND STATEMENT OF MATERIAL FACTS**

Defendant, THE CITY OF MIAMI BEACH, FL, a Florida municipality (the “City”), through its counsel and pursuant to Southern District of Florida Local Rules 7.1(c)(2), 7.1(d)(2), and 56.1(b)(1)(A), files its Expedited Motion to Exceed the Page Limitation for Its Motion for Summary Judgment and Statement of Material Facts and in support states the following:

1. This is an employment discrimination case.
2. On April 2, 2022, Plaintiff filed a ten (10) count Complaint [DE 1].
3. On July 10, 2023, this Court issued an order dismissing eight (8) of the ten (10) counts [DE 32].
4. The pending counts are Counts III and IV which are counts for retaliation pursuant to Title VII and the Florida Civil Rights Act (“FCRA”) respectively. *See* DE 32.

5. On May 9, 2024, this Court issued its Order Setting Trial and Pre-Trial Schedule, Requiring Mediation, and Referring Certain Matters to Magistrate Judge (“Scheduling Order”) [DE 59].

6. Dispositive motions are due on or before June 3, 2024. *See* DE 59.

7. Defendant is in the process of drafting its fully dispositive motion for summary judgment.

8. Even though there are only two (2) counts left from Plaintiff’s original ten (10) counts, the parties have engaged in extensive discovery.

9. The parties have taken a total of eleven (11) depositions of key witnesses.

10. Those eleven (11) depositions contain an extensive amount of relevant and critical facts that Defendant must discuss in its motion for summary judgment and address in its statement of material facts.

11. Additionally, the parties have collectively produced more than two thousand (2,000) pages of documents.

12. While Defendant does not anticipate using all the documents, it is critical to Defendant’s forthcoming motion for summary judgment to include and discuss many documents.

13. Defendant will be hard pressed to contend with all the factual and legal issues effectively under the established page limitations of Southern District of Florida Local Rules, which set forth a 10-page limit for the statement of facts and a 20-page limit for the memorandum of law in support of Defendant’s forthcoming fully dispositive motion for summary judgment.

14. Accordingly, Defendant respectfully request an enlargement of the page limitations as follows: (a) leave to submit a Statement of Material Facts of twenty (20) pages, rather than the ten (10) pages set forth in Local Rule 56.1(b)(1)(A); and (b) leave to submit a Memorandum of Law in Support of its Motion for Summary Judgment of thirty (30) pages, rather than the twenty (20) pages set forth in Local Rule 7.1(c)(2).

**COMPLIANCE WITH LOCAL RULE 7.1(d)(2)**

15. Pursuant to Southern District of Florida Local Rule 7.1(d)(2), this Motion includes the words “Expedited Motion” in its title.

16. Additionally, Defendant respectfully requests a ruling on or before May 29, 2024.

17. The basis for this request is that, as set forth above, dispositive motions are due on or before June 3, 2024.

18. Thus, Defendant needs to know the status of this Motion so it can properly draft its Motion for Summary Judgement and Statement of Material Facts in conformity with the rules and this Court’s forthcoming order.

**CERTIFICATE OF CONFERRAL**

Undersigned counsel Michael L. Elkins certifies that he conferred with Plaintiff’s counsel and Plaintiff’s counsel opposes the relief sought herein.

Dated: May 22, 2024.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on May 22, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/Michael L. Elkins  
Michael L. Elkins

**SERVICE LIST**

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